

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ERIC KEVIN SECHLER,
Plaintiff,
v.
DAVID THOMAS, *et al.*
Defendants

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: Case No. 3:22-cv-3-KAP
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Memorandum Order

This is a consent case in which plaintiff sued a police officer (defendant Thomas) and EMT (defendant Durst) who responded to his overdose on fentanyl in a motel room in Somerset County on May 30, 2021. The complaint is dismissed against defendant Durst because there is no plausible allegation that Durst, an EMT responding to an emergency call, acted under color of law. No pendent claims are asserted and there would be no reason to hear them under the court's supplemental jurisdiction if there were.

The matter remains pending as to defendant Thomas, who filed a motion for summary judgment at ECF no. 26, and there is also a "Pretrial Motion for Discovery" from Sechler, ECF no. 28, which states in pertinent part "Plaintiff requesting entire vest camera footage from both [Thomas and the nondefendant officer] during the incident" Those motions were denied without prejudice pending the disposition of the claim against defendant Durst. It now makes sense to address them.

This is a matter that will be easier to resolve live than to grope at from the written submissions. The public docket indicates that plaintiff is scheduled to be sentenced by Judge Bittner in Commonwealth v. Sechler, No. CP-56-CR-286-2023 (C.P. Somerset) on September 28, 2023. Therefore the parties shall confer and call my courtroom deputy (Mr. Schrock, 814-533-4504) to propose some dates in the next two weeks when they can be before me, either in court live or, if they have internet access, by Zoom. If it exists defense counsel shall bring or have available in a viewable form any body-camera footage that exists. Plaintiff shall bring or have available any evidence he has that defendant Thomas and not Officer Grus administered Narcan on May 30, 2021.



DATE: July 19, 2023

Keith A. Pesto,
United States Magistrate Judge

Notice by ECF to counsel and by U.S. Mail to:

Eric K. Sechler
871 Wambaugh Hollow Road
Berlin, PA 15530